



WEB COPY

W.P.No.22921 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22921 of 2019

S.Ravi

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Additional Chief Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai – 600 009.

2.The Director,
Rural Development and Panchayat Raj Department,
Panagal Maligai, Saidapet,
Chennai – 600 015.

3.The District Collector,
Salem District,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order of the 1st Respondent in G.O.(2D)No.56, dated 31.5.2018 and to quash the same as illegal, incompetent and ultravires and consequently direct the Respondents to permit the Petitioner to retire in accordance to his date of superannuation and provide all the benefits to the Petitioner withheld by them.



For Petitioner	: Ms.R.Vigneshwari For Mr.M.Guru Prasad
For Respondents	: Mrs.E.Indhumathi Government Advocate

ORDER

The order of suspension issued on the eve of the retirement of the writ petitioner on 31.05.2018 is sought to be quashed in the present writ petition.

2. The petitioner was holding the post of Assistant Director Audit in Rural Development and in account of registration of the Criminal Case by the Department of Vigilance and Anti-Corruption, the petitioner was placed under suspension on the last date of his retirement. The service of the writ petitioner was extended by invoking the Fundamental Rules by the competent authorities. The present writ petition is filed challenging the order of suspension. It is admitted fact that the Criminal Case registered against the writ petitioner by the Vigilance and Anti-Corruption is pending before the Competent Criminal Court of Law and therefore, the order of suspension issued on the last date of retirement cannot be set aside at this point of time. The services of the writ petitioner has already been extended and therefore,



the petitioner has to claim all his terminal and pensionary benefits only after the disposal of the Criminal Case and the departmental disciplinary proceedings initiated against him.

3. However, there is no impediment for the respondents to proceed with the departmental disciplinary proceedings against the writ petitioner by framing charges and by conducting enquiry, by affording opportunity to the writ petitioner and by following the procedures as contemplated. Pendency of Criminal Case is not a bar for the Disciplinary Authority to continue with the departmental disciplinary proceedings. The Disciplinary Authority is empowered to pass final orders in the departmental disciplinary proceedings after conducting an enquiry in the manner known to law. Thus, in the event of availability of documents or if the documents are able to be secured from the Vigilance Department or otherwise, the respondents shall continue the disciplinary proceedings by framing charges against the writ petitioner and dispose of the same as expeditiously as possible. However, all benefits are to be settled only after the disposal of the Criminal Case as well as the departmental disciplinary proceedings initiated against the writ petitioner. During the period suspension, the petitioner is eligible for subsistence allowance not exceeding the provisional pension as per the rules in force.



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4. Regarding the simultaneous proceedings based on the orders of this Court, the Government issued G.O.Ms.No.81, Human Resource Management (N) Department dated 04.08.2022. Thus, the respondents are bound to follow the guidelines issued by the Government in G.O.Ms.No.81 dated 04.08.2022.

5. With these observations, the Writ Petition stands disposed of. No costs.

20.10.2022

Jeni
Index : Yes
Speaking order / Non-speaking order

To

1.The Government of Tamil Nadu,
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S.M.SUBRAMANIAM, J.

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